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*And LVNV Funding, LLC*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

JERRY FONTAINE,

Plaintiff,

-against-

RESURGENT CAPITAL SERVICES, L.P.,  
and LVNV FUNDING, LLC,

Defendants.

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Case No.: 6:20-CV-06274-EAW

**DECLARATION IN SUPPORT  
OF DEFENDANTS' MOTION  
TO COMPEL AND DISMISS  
PLAINTIFF'S AMENDED  
COMPLAINT**

JONATHAN M. ROBBIN, ESQ., pursuant to 28 U.S.C. 1746, hereby declares under penalty of perjury as follows:

1. I am the Principal at the law firm of J. Robbin Law PLLC, attorneys for Defendants, RESURGENT CAPITAL SERVICES, L.P. and LVNV FUNDING, LLC (together, "Defendants"), in the above-captioned action and, as such, am fully familiar with the facts hereinafter set forth.

2. I submit this Declaration in support of Defendants' Motion to Compel and Dismiss ("Motion") seeking an Order: (1) compelling Arbitration under the terms of the operative agreement; (2) dismissing, with prejudice, Plaintiff, Jerry Fontaine's ("Plaintiff"), Amended

Complaint, pursuant to Rule 12(b)(6) of the Federal Rule of Civil Procedure; and (3) granting such other and further relief as this Court may deem just and proper.

3. Annexed hereto as **Exhibit 1** is a true and accurate copy of the Affidavit executed by Jasmine S. Fray, Affidavit/Documentation Specialist for Synchrony Bank, dated September 14, 2020 and supporting Exhibits (“Synchrony Aff.” or “Synchrony Affidavit”).

4. Annexed hereto as **Exhibit 2** is a true and accurate copy of the Declaration executed by Kim Hurley, authorized representative and custodian of records for Sherman Originator III LLC, dated September 21, 2020 and supporting Exhibits (“SOIII Decl.” or “SOIII Declaration”).

5. Annexed hereto as **Exhibit 3** is a true and accurate copy of the Declaration executed by Katherine Heatherly, authorized representative and custodian of records for Sherman Originator LLC, dated September 21, 2020 and supporting Exhibits (“SOLLC Decl.” or “SOLLC Declaration”).

6. Annexed hereto as **Exhibit 4** is a true and accurate copy of the Declaration executed by Kim Hannigan, paralegal for Resurgent Capital Services, LP (“RCS”) and records custodian for LVNV Funding, LLC (“LVNV”), a corporate affiliate of RCS, dated September 21, 2020 and supporting Exhibits (“LVNV Decl.” or “LVNV Declaration”).

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7. Annexed hereto as **Exhibit 5** is a true and accurate copy of the Affidavit executed by John Sammis, employee and records custodian for Alltran Financial Services and supporting Exhibits (“Alltran Aff.” or “Alltran Affidavit”).

9. Annexed hereto as **Exhibit 6** is a true and accurate copy of the Collection Answer under Case Number E2019011148.

**WHEREFORE**, Defendants respectfully request that this Court grant Defendants’ Motion in its entirety and for any such other and further relief as this Court deems just and proper.

Dated: Armonk, New York  
October 12, 2020

/s/ Jonathan M. Robbin  
Jonathan M. Robbin